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**State Government & Tribal Affairs  
Committee**

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**HB 1622**

**Brief Description:** Modifying voter registration provisions.

**Sponsors:** Representatives Appleton, Hunt and Miloscia; by request of Secretary of State.

**Brief Summary of Bill**

- Updates and revises the state voter registration laws.

**Hearing Date:** 2/6/09

**Staff:** Tracey O'Brien (786-7196)

**Background:**

Eligibility

To be eligible to vote, a person must be a United States citizen, at least 18 years of age and a resident of the precinct for at least 30 days before the election (*Washington Constitution, Article VI, section 1*). For the purposes of registering and voting, a person's residence is a person's permanent address where he or she physically resides and maintains his or her abode. A voter who lacks a traditional residential address, such as a person who resides in a shelter, park, motor home or marina, is assigned a precinct based on the voter's physical location. A voter does not lose his or her voting residency if absent due to state or federal employment, military service, school attendance, out-of-state business, or navigation at sea. To lose one's voting residency, one must physically leave the previous residence with the intention of establishing a new residence at another location.

A person loses the right to vote if he or she is judicially declared incompetent or is convicted of an "infamous" crime (a felony) and the person's civil rights have not been restored (*Washington Constitution, Article VI, section 3*).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

### Voter Registration Services

Under the state's implementation of the federal National Voter Registration Act (NVRA), the Department of Licensing (DOL) is required to provide voter registration services when a person applies for or renews a driver's license or state identification card.

In addition to the DOL, the following agencies and programs offer voter registration as required by the NVRA:

- the Department of Social and Health's (DSHS) Women-Infants-Children Program;
- the DSHS's Community Services Offices;
- the DSHS's Division of Vocational Rehabilitation;
- the DSHS's Mental Health Division;
- the DSHS's Aging and Disabilities Service Administration; and
- the Department of Services for the Blind.

Also, institutions of higher education are required to place an active prompt of their course registration websites that links to the Secretary of State's (SOS) voter registration website and ask the student if they would like to register to vote.

Finally, in 2008 the SOS began online voter registration in addition to the mail-in registration form.

### Identification Required to Register

When a voter registers online, he or she must have a valid Washington State Driver's License (WSDL) or state identification card (state ID). If a voter registers by mail and does not have a WSDL, a state ID, or a social security number (SSN), he or she will be required to show one of the following items when casting a ballot (failure to do so either before or at the time of voting, will result in the ballot not being counted):

- valid photo ID;
- valid tribal ID of a federally recognized Indian tribe in Washington;
- copy of a current utility bill;
- current bank statement;
- copy of a current government check;
- copy of a current paycheck; or
- a government document that shows both the voter's name and address.

### Washington State Voter Registration Database (VRDB)

In compliance with the Help America Vote Act, the SOS launched the VRDB, which is a centralized voter registration database. The SOS, in partnership with county auditors, election management system vendors, the Social Security Administration, the DOL, the Department of Corrections and the Office of the Administrator of the Courts, works to improve the accuracy of voter registration data. This includes the monthly removal of deceased voters.

### **Summary of Bill:**

#### Provisions Regarding Service and Overseas Voters

Service voters include members of a reserve component of the Washington Armed Forces. Overseas voters and service voters are not required to be registered to vote in order to be permitted to vote.

The term "out-of-state voter" is eliminated.

The county auditor shall mail all absentee ballots and related material to the overseas and service voters; however, the requirement that return envelopes be postage-free is removed.

#### Voter Registration Procedures

The requirement that a voter registration applicant provide his or her WSDL, state ID card number, or the last four digits of the applicant's SSN is eliminated. The voter who does not provide this identification must be provisionally registered to vote. An identification notice must be sent to a provisionally registered voter that he or she must provide information as to his or her identity.

To become a registered voter, the provisionally registered voter must still provide: the correct WSDL number; the correct state ID card number; the correct last four digits of the SSN; a valid photo identification; a valid enrollment card of a federally recognized Indian tribe in Washington; a copy of a current utility bill; a current bank statement; a copy of a current government check; a copy of a current paycheck; or a government document, other than a voter registration card, that shows both the name and address of the voter.

The ballot of a provisionally registered voter may not be counted until he or she provides the required identification information. The identification must be provided no later than the day before the certification of a primary or election. If the voter provides the identification information required, his or her status must be changed to registered.

The time period for the county auditor to process an application or transfer and the non-forwardable acknowledgement notice is increased from within 45 days to within 60 days of receipt of the application or transfer.

#### Voter Registration Deadlines

Any person or organization collecting voter registration application forms must transmit the forms to the SOS or county auditor within three business days.

A person who is not registered to vote in Washington must submit a registration application no later than 29 days before the date of the primary, special election or general election. A person may register in person at the county auditor's no later than eight days before the day of the primary, special election or general election, but he or she will be issued an absentee ballot.

A person who is registered to vote in Washington may update his or her registration no later than 29 days before the primary, special election or general election in order for it to be in effect for that election. If a person fails to meet this deadline, he or she may vote according to his or her previous registration address.

The notice of registration deadlines must be published in a newspaper of general circulation in the county at least 35 days before the primary or general election. This increases time of the notice from five days prior and eliminates a notice requirement for special elections.

#### Voter Registration Form

The duplicative oath/affirmation on the voter registration form is eliminated.

The oath is updated to reflect that the applicant is not presently denied the right to vote due to a felony conviction. The reference to civil rights is eliminated.

Public libraries are added to the list of public offices and buildings that must have a supply of voter registration forms.

The requirement that the SOS provide a separate agency form for voter registration is eliminated. The time period for the agency to transmit the voter registration application is decreased from 10 days to three business days.

#### Mailings

Each county auditor must request change of address information from the United States Postal Service (USPS) for all absentee and mail ballots. A voter who votes at the polls must be mailed an election related document, with change of address information requested, at least once every two years and at least 90 days prior to the date of a primary or general election for federal office. If a county auditor receives information from the USPS, the DOL or another agency designated to provide voter registration services that a voter has moved within the county, the county auditor shall transfer the registration of the voter and send an acknowledgement notice to the new address informing the voter of the transfer.

#### Ineligible Voters Due to a Felony Conviction

The definition of "infamous crime" is clarified to exclude adjudications in juvenile court, and convictions for a misdemeanor or gross misdemeanor.

The oath on the voter registration form is updated to reflect that the applicant is not presently denied the right to vote due to a felony conviction. The reference to civil rights is eliminated.

The SOS will no longer use the Washington State Patrol in order to compare a list of known felons with the statewide voter registration list. The SOS must use a reliable list of felons who are ineligible to vote to perform the name and date of birth comparison and suspend a voter registration.

#### Voter Registration List

The requirement that the statewide voter registration database be updated quarterly is eliminated.

Motor-Voter requirements are updated to reflect the electronic procedures for voter registration, including allowing for name changes to be transferred from the DOL to the SOS.

Procedures for address changes within a county are made consistent.

County auditors can use government agencies as a resource for identifying deceased voters and canceling a registration.

The provision that the ongoing statewide voter registration list maintenance be completed no later than 30 days prior to the date of a primary or general election is eliminated.

The SOS must refer potential duplicate registrations to the appropriate county auditor for resolution.

Other changes

The appointment of registration assistance by county auditors is eliminated.

Inactive voters who merely sign an initiative or referendum petition do not have their voter registration reactivated.

A response from a voter, not just any person, that the voter has moved out of the county will cause the cancellation of the current voter registration. If the voter has moved to another county, the county auditor of the voter's new county of residence will be notified.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.